

EXHIBIT 36

Filed Under Seal

1 IN THE UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA
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7 CIVIL NO.: 18-1776 (JRT/HB)
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10 IN RE PORK ANTITRUST LITIGATION
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12 This Document Relates to:
13 All Actions
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19 HIGHLY CONFIDENTIAL

20 REMOTE VIDEO DEPOSITION TESTIMONY OF:

21 SHANE MILLER

22 May 26, 2022
23
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1 Q. I'm sorry, you said thousands of
2 pork producers?

3 A. Independent hog producers. I'm
4 sorry. Independent hog producers that
5 supply us with pigs into our pork
6 production facilities.

7 And further, those agreements
8 are refreshed on an annual basis.
9 They're mutually agreed upon. And they
10 adjust with time based on maybe the age
11 of the hog producer or if he has a
12 succession plan or not. And then over
13 time, they're renegotiated.

14 Q. So given Tyson procured almost
15 all of its hogs from independent farmers,
16 did Tyson have the power to meaningfully
17 suppress the supply of hogs?

18 MR. LIFVENDAHL: Objection,
19 form, foundation, calls for a legal
20 conclusion.

21 A. No. We did not have the power
22 to do that. We are heavily dependent on
23 hog producers to bring us the supply we
24 need to run our plants and to service the
25 customers that we -- that we sell

1 products to.

2 Q. Did the hog producers make their
3 own decisions of level of supply or --

4 MR. LIFVENDAHL: Objection,
5 calls for speculation.

6 MS. ROHRBAUGH: Strike -- strike
7 that.

8 Q. Did the independent hog
9 producers or farmers -- well, let me
10 strike that.

11 Did you as Tyson control the
12 amount of hogs that independent hog
13 farmers raise?

14 MR. LIFVENDAHL: Objection,
15 form, foundation.

16 A. No, we do not.

17 Q. Based on your knowledge of Agri
18 Stats, do you believe that any of the
19 Agri Stats reports Tyson used allowed
20 Tyson to determine its competitors' past
21 or future pork production levels?

22 MR. LIFVENDAHL: Objection to
23 form.

24 A. No.

25 Q. To the best of your knowledge,

1 did anyone at Tyson use Agri Stats to
2 monitor whether Tyson's competitors were
3 expanding or reducing their total pork
4 production?

5 MR. LIFVENDAHL: Objection,
6 foundation.

7 A. No, we did not.

8 Q. Do you have an understanding of
9 Tyson's broad strategy regarding pork
10 exports?

11 MR. LIFVENDAHL: Just
12 (inaudible).

13 THE COURT REPORTER: I'm sorry,
14 I didn't hear what you said, Eric.

15 MR. LIFVENDAHL: Tiffany, could
16 we get a time period as to their
17 strategy?

18 Q. Oh. For pork exports for the
19 2009 through 2018.

20 MR. LIFVENDAHL: Thank you.

21 A. I'm sorry, what was the -- can
22 you ask that question --

23 Q. Yeah.

24 A. -- one more time, please.

25 Q. Do you have an understanding of

1 Tyson's broad strategy regarding pork
2 exports from 2009 to 2018?

3 A. Yes, I -- yes, I do.

4 Q. And can you describe that?

5 A. Yes. Our -- our growth in
6 exports was centered around trying to
7 value-up products, some products that
8 aren't consumed in the United States,
9 other products where we have customers
10 globally looking to have another source
11 of supply that were looking for
12 high-quality pork. And we had to raise
13 the bar from a quality perspective and
14 change out -- change out some of our
15 processes in our plants to bring in new
16 equipment to be able to get to the level
17 of quality that the customers in Asia
18 were looking for.

19 Q. Was Tyson's strategy on exports
20 between 2009 and 2018 ever motivated by a
21 desire to reduce domestic supply and
22 drive up the cost domestically -- I'm
23 sorry, the price domestically?

24 MR. LIFVENDAHL: Objection to
25 form.